

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

Mathew S Hutchinson

Debtor

_____ /

CHAPTER 13

CASE NO. 18-55664-MAR

JUDGE MARK A RANDON

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PAYMENTS

NOW COMES the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. §1307 (c) and in support thereof states as follows:

1. This motion is brought pursuant to 11 U.S.C. §1307 (c)(4).
2. According to the books and records of the Trustee the Debtor has failed to make payments pursuant to 11 U.S.C. §1326 (a)(1).
3. Debtor's failure to make timely payments under 11 U.S.C. §1326 is cause for dismissal.
4. The Chapter 13 Trustee sought concurrence of debtor's counsel in the relief requested on May 07, 2019, but at the time of filing this motion, such concurrence had not been given.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court dismiss the above captioned matter due to a material default in the terms of the Chapter 13 Plan.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Standing Trustee

May 16, 2019

/s/ Margaret Conti Schmidt

KRISPEN S. CARROLL (P49817)

MARGARET CONTI SCHMIDT (P42945)

MARIA GOTSIS (P67107)

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT
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ORDER DISMISSING CASE

This matter having come to be heard upon the Trustee's Motion to Dismiss for Failure to Make Payments filed pursuant to 11 U.S.C. §1307 (c)(4), notice having been duly given and an opportunity for hearing having been provided, and based upon the records of the court herein, the Court finds that the relief requested is warranted, and the Court being otherwise sufficiently advised in the premises.

IT IS HEREBY ORDERED that the Chapter 13 Case of the Debtor herein be and the same hereby is dismissed for the failure to make payments as required under 11 U.S.C. §1326;

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the Debtor, Debtor's attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding;

U.S. BANKRUPTCY JUDGE

EXHIBIT "A"

BE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In re
Mathew S Hutchinson

CHAPTER 13
CASE NO. 18-55664-MAR
JUDGE MARK A RANDON

Debtor

Address

5731 BINGHAM DRIVE
COMMERCE TOWNSHIP, MI
48382

Last four digits of Social Security or Individual Tax-payer Identification
(ITIN) No(s), (if any): 0020

Employer's Tax Identification (EIN) No(s), (if any): _____

NOTICE OF TRUSTEE'S MOTION TO DISMISS

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at (1):

**United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

**OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT
ATTN: MOTION DEPARTMENT
719 Griswold Street, Suite 1100
Detroit, MI 48226**

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Standing Trustee

May 16, 2019

/s/ Margaret Conti Schmidt

KRISPEN S. CARROLL (P49817)

MARGARET CONTI SCHMIDT (P42945)

MARIA GOTSIS (P67107)

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

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¹ Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)

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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S
MOTION TO DISMISS, NOTICE OF TRUSTEE'S MOTION TO DISMISS and CERTIFICATE OF
MAILING** with the Clerk of the Court using the ECF system which will send notification of such
filing to the following:

GOLDSTEIN BERSHAD & FRIED
4000 TOWN CENTER #1200
SOUTHFIELD, MI 48075

and I hereby certify that I have mailed by United States Postal Service the above mentioned
documents to the following non-ECF participants:

Mathew S Hutchinson
5731 Bingham Drive
Commerce Township, MI 48382

May 16, 2019

/s/ Barb Ecclestone

BARB ECCLESTONE

For the Office of the Chapter 13 Trustee-Detroit

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

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